

## **REMARKS**

The applicants provide the following remarks in response to the office action dated January 2, 2004. No claims have been amended, and claims 1-25 are currently pending. In view of the foregoing amendments and following remarks, the applicants respectfully request advancement of this application to allowance.

### **A. Specification**

The applicants have amended the specification to provide the data regarding the co-pending applications and to correct various typographical errors in the specification.

### **B. Claims**

Claims 1-25 stand rejected as being anticipated by Estes et al. (US 2003/0114836). The applicant respectfully traverses this rejection.

#### **1. Claims 1-7 and 9-11**

In support of the rejection of these claims, the office action cites Figures 3A and 5, and corresponding text in paragraphs 35 and 40 of Estes. However, Figure 3A illustrates how settings of a bolus estimator can be fixed or variable. This figure also illustrates example profiles for ratios and values that vary over the course of a day. Estes separately discusses Figure 3B-3D, which teach a graphical programming interface for setting profiles. Figure 3A is merely an example of types of settings and Figures 3B-3D is the actual interface for programming profiles in the pump. Figure 5 merely displays a report having historical information.

Estes fails to disclose the claimed acts of programming a pump by entering operating parameter into at least one cell and downloading the operating parameters into the pump as set forth in claim 1. Nor does Estes disclose the claimed structure of a processor programmed to receive data from the data entry device and display the data in one or more of the cells; and to download the operating parameters displayed in the cells to the infusion pump as set forth in claim 9.

## **2. Claim 8**

In support of the rejection of this claims, the office action cites Figures 3A and 2, and paragraph 35 as disclosing receiving a plurality of data sets, each data set containing a plurality of operating parameters.

As disclosed above, however, Figure 3A merely illustrates how settings of a bolus estimator can be fixed or variable and does not disclose the programming of a pump. Figure 2 is merely a block diagram of a pump in relation to other elements in the system. Finally, the cited portion of Paragraph 35 merely teaches that the pump can be programmed through an RF programmer or a communication station without giving any details of the programming. All of these figures and passages fail to teach or suggest that the pump is actually programmed and whether the pump receives a data set having a plurality of operating parameters from a computer.

## **3. Claims 12-23**

In support of the rejection of these claims, the office action cites Figures 1 and 6 as disclosing receiving a plurality of data sets, each data set containing a plurality of operating parameters.

However, Figure 1 merely discloses hardware architecture for the pump and Figure 6 merely discloses a flowchart illustrating a suspend function. The menu items BOLUS, SUSPEND, and BASAL illustrated in Figure 6 are merely the standard names of functions that can be performed by medical pumps and are not the names of data sets.

Estes fails to disclose a unique name or the claimed acts of selecting the uniquely identifying name thereby assigning the set of operating parameters identified by the uniquely identifying name to the delivery program; and running the delivery program as set forth in claim 12. Estes also fails to disclose a structure having a processor programmed to assign a set of operating parameters to a delivery program upon selection of a uniquely identifying name as set forth in claim 19.

## **C. Conclusion**


In light of the foregoing amendments and remarks, the applicant respectfully request advancement of this application to allowance. The applicant notes that there may

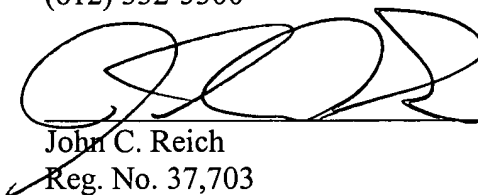
be other reasons that the claimed invention is patentably distinct from the cited references in addition to those raised above. The applicant reserves the right to raise any such reason in the future.

Please contact the undersigned attorneys if there are any questions.

Respectfully Submitted,

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